

DELEGATED REPORT

Report by Mo Warsame	Date of report: 17/03/2023	Ref: 69240/FUL
Registration: 26/01/2023	LDfC: 17/02/2023	Expiry Date: 23/03/2023
Site Visit: 03/03/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension and external alterations/render to external elevations; Widening of existing driveway/vehicular access

Location: 10 Mile Lane, Bury, BL8 2DS

Description

The application relates to a detached corner bungalow located Mile Lane. The premises has gardens to front, side and rear, with an area of parking to the side and front leading to an attached garage.

Planning permission is sought for single storey side extension and external alterations/render to external elevations; along with the widening of existing driveway/vehicular access. The side extension would project 4725mm to the side and run 5000mm rear. The proposed extension would facilitate additional bedroom with ensuite and would have a mono-pitched roof. The proposal would be finished in off-white render.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 27/01/2023. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to conditions.

Pre-start Conditions

Traffic Section - No objections, subject to conditions.

Comments and Observations

The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the proposed footway crossing extension and any associated footway remedial works. The cost of the works will be the responsibility of the applicant (N004 Amended).

Unitary Development Plan and Policies

SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant

policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

SPD 6 also states that where an extension would be adjacent to a highway it should, (in most circumstances), be set back from the boundary with the highway by at least 2 metres with regards to visual amenity as well as visibility in terms of highway safety. The proposed extension would be 2.1 metres set back from the side boundary, and the building would be set well away from the junction between Newington and Mile Lane. Furthermore, the extension would also have a setback of 1.1 metres from both the existing front and rear

elevations. As such it would not have any significant detrimental impact on highway visibility.

The extension would be single storey only and would be built with materials and a design that would be considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The extension would not project beyond the existing rear and front elevation and there would be sufficient distance to the rear boundary.
- There would be no proposed windows on the side elevation.
- The extension would be over 2 metres from the side boundary with Newington Drive. Furthermore, the proposed 1.8 metres high fencing would shade the extension from the public arena. As such there would be no concerns about encroachment on the adjacent highway.
- Properties to the front would have a sufficient distance to the proposed extension.
- The development would not have any impact on existing parking arrangements within the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Highways

The highway consultant has no objections to this proposal, subject to conditions 3 and 4.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 1, 2 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in

the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

- 4 The revised access and car parking arrangements indicated on approved plan reference Drawing No. 2, incorporating the extension of the existing footway crossing to limits to be agreed on site with the Highway Authority, all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, demarcation of the limits of the adopted highway and widened driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented to the satisfaction of the Local Planning Authority prior to the extension and widened driveway hereby approved being brought into use and thereafter maintained available for use at all times. (CAR1 Amended). Reasons To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	17/03/2023	HL	22/03/23